

**REMARKS**

Claims 1 and 5-13 are pending. By this amendment, claim 1 is amended, claims 2-4 are canceled and claims 5-13 are added.

The Office Action rejects claims 1-4 under 35 USC 102 over Takiguchi (USP 6,392,971). This rejection is respectfully traversed.

Claim 1 recites in a case of reproducing the marks having the test information, a control operation of the position control means is unchanged in a first reproduction in comparison with a time when the test information is recorded and changed in a second reproduction in comparison with a time when the test information is recorded. As a result of this feature, a recording power or energy can be controlled in consideration of both the width of mark recorded on a track and the interval of marks on adjacent tracks. It is therefore possible to form marks each having predetermined width in high accuracy. Moreover, it makes it possible to reduce the interval of tracks on the optical disk, so that storage capacity and reliability of the information recording apparatus can be improved, as explained at page 20, line 2 to page 21, line 7 of the specification, for example.

In contrast, Takiguchi describes setting an optimum write power by the controller 22 on the basis of the power setting signal from the main controller 30, see col. 4, lines 5255, but does not disclose how the optimum write power is set in detail. Takiguchi describes that test datapatter is recorded on the central track with data other than the test data pattern recorded on adjacent tracks to obtain a focusing servo signal, as a focusing condition, from a jitter amount which is obtained when reproducing the test pattern data while the focusing bias is being changed. However, Takiguchi describes such that an optimum focusing bias value is obtained and an optimum focusing servo is realized by using an optimum focusing servo signal.

Takiguchi is not realized such that an optimum laser power value is obtained and a recording condition is realized by the optimum laser power value, as disclosed in the present invention. For

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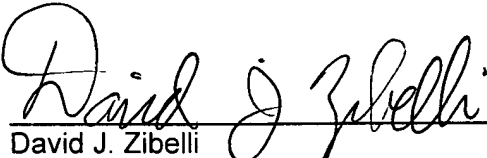
this reason, the present invention for obtaining the optimum recording power is quite different from Takiguchi. Moreover, Takiguchi does not disclose the feature "in a case of reproducing the marks having the test information, a control operation of the position control means is unchanged in a first reproduction in comparison with a time when the test information is recorded and changed in a second reproduction in comparison with a time when the test information is recorded" as required by claim 1. Accordingly, claim 1 and all claims dependent therefrom are not anticipated by Takiguchi. Withdrawal of the rejection is requested.

For at least the above reasons, it is submitted that the application is in condition for allowance. Prompt consideration and allowance are solicited.

The Office is authorized to charge any fees due under 37 C.F.R. 1.16 or 1.17 to Deposit Account No. 11-0600.

Should there be any questions, the Examiner is invited to contact Applicants undersigned attorney.

Respectfully submitted,

  
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David J. Zibelli  
Registration No. 36,394

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KENYON & KENYON  
1500 K Street, N.W. - Suite 700  
Washington, D.C. 20005-1257  
Tel: (202) 220-4200  
Fax: (202) 220-4201  
593598